

HOUSE BILL REPORT

SHB 2107

As Passed House:
April 29, 2015

Title: An act relating to requiring the department of fish and wildlife to update the 2011 wolf conservation and management plan to ensure the establishment of a self-sustaining population of gray wolves while also ensuring social tolerance of wolf recovery.

Brief Description: Requiring the department of fish and wildlife to update the 2011 wolf conservation and management plan to ensure the establishment of a self-sustaining population of gray wolves while also ensuring social tolerance of wolf recovery.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kretz, Blake, Short, Dent and Schmick).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/18/15, 2/19/15 [DP];
Appropriations: 2/26/15, 2/27/15 [DPS].

Floor Activity:

Passed House: 3/10/15, 98-0.

First Special Session

Floor Activity:

Passed House: 4/29/15, 95-0.

Brief Summary of Substitute Bill

- Requires the Department of Fish and Wildlife to amend the existing wolf management plan to better address the wolf recovery rate and distribution patterns that has occurred since the plan's initial adoption.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 10 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Kretz, Orcutt, Pettigrew and Schmick.

Minority Report: Do not pass. Signed by 1 member: Representative Van De Wege.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Without recommendation. Signed by 1 member: Representative Stanford.

Staff: Jason Callahan (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Condotta, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Schmick, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 2 members: Representatives G. Hunt and Taylor.

Staff: Derek Rutter (786-7157).

Background:

The Washington Department of Fish and Wildlife (WDFW) operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's wildlife. "Wildlife" is defined as all species of the animal kingdom whose members exist in Washington in a wild state. This includes: mammals, birds, reptiles, amphibians, fish, and invertebrates.

The Fish and Wildlife Commission (Commission) has the authority to identify species that are seriously threatened with extinction and designate those species as endangered. Such a species classification must be requested by the Director of the WDFW. The Commission may only list a species as endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered. This decision must be based on the preponderance of scientific data. A species may be classified when populations are in danger of failing, declining, or are vulnerable.

Once listed, the Commission must also rely on the preponderance of available scientific data when making delisting or reclassification decisions. A species may be delisted from endangered, threatened, or sensitive only when populations are, solely on the basis of the biological status of the species being considered, no longer in danger of failing, declining, are no longer vulnerable. A delisting process may be initiated by the WDFW directly or by a petition to the WDFW by an interested person that sets forth the scientific data and specific evidence supporting the delisting of the species.

The listing of a species by the Commission requires the creation of a management plan for the species. The management plan must identify target population objectives, reclassification criteria, an implementation plan, public education, and a species monitoring plan.

The gray wolf is listed as an endangered species under Washington law for the entirety of the State. The species is only listed as endangered under federal law in the western two-thirds of the state (areas west of Highways 97, 17 and 395).

On December 3, 2011, the Commission approved a wolf conservation and management plan. According to the Commission, the plan has three key elements: recovery objectives, livestock protection, and wildlife protection.

The plan identifies three wolf recovery regions. The regions are the Eastern Washington region, the North Cascades region, and the Southern Cascades and Northwest Coast region. The plan's recovery objectives which allows the wolf to be removed from the state's endangered species list is based on target numbers and species distribution. Specifically, the gray wolf will be considered to be recovered if the WDFW documents 15 successful breeding pairs for three consecutive years which are distributed in such a way that each recovery zone is host to at least four breeding pairs.

Under the plan, a breeding pair is considered a male and a female with at least two pups surviving until December 31 of their birth year. This is different from a wolf pack, which is two or more wolves traveling together. Although two wolves can constitute a pack, the WDFW reports that a pack typically consists of five to 10 individual wolves, including the alpha male and female.

Summary of Substitute Bill:

The WDFW is directed to amend the existing wolf management plan to better address the wolf recovery rate and the distribution of wolves that has occurred since the plan's initial adoption. In amending the plan, the WDFW must coordinate on the existing Wolf Advisory Group and rely on the most recent science. Coordination with the wolf advisory group includes the utilization of a neutral third-party conflict resolution facilitator.

The WDFW may amend the plan as it best sees fit to manage the state's wolf population. However, the amendment process must at least consider a number of possible changes. These include evaluating the science related to changing the metric for determining recovery from the number of breeding pairs of wolves in the state to the number of wolf packs, evaluating options as to proper distribution needed to be observed before recovery is declared, making changes to the existing wolf recovery zones, determining which preventative measures must be attempted prior to lethal action being authorized, considering changes to the cooperative agreement process, revisiting the criteria for the use of lethal management, examining the adequacy of current poaching penalties, and the considering new data related to wolf/ungulate interactions.

Any amendments must be completed by June 30, 2017, but must first be submitted to a peer-reviewed science process.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Agriculture & Natural Resources):

(In support) The wolf plan needs to be revisited. The WDFW has the authority to do this on their own, but legislative direction is helpful and gives the agency new issues to consider. There are tools in the wolf plan, but the WDFW is not using them and chronic problems are not being addressed. There are significant yet unnecessary livestock losses due to wolves. Idaho and Montana have shown that wolves and livestock can co-exist, but the right tools have to be in place and actually used.

Social acceptance of wolf recovery is especially low in northeast Washington, which is the area of the state where most of the wolves are currently located. The wolf plan is working well for western Washington, but not for the parts of the state feeling the effects of the disproportionate recovery patterns. Northeast Washington will be overrun with wolves by the time statewide recovery, as currently measured by the wolf plan, is achieved.

The key to success for any plan revisions is coordination with the newly expanded Wolf Advisory Group. This group is embarking on a standard review of the wolf plan, but legislative direction would help focus that review and lead to a better result. The wolf plan envisions amendments as part of adaptive management, and the timing is right for a thorough reexamination of the plan because new applicable science will soon be available. This can positively affect reviewing conditions that lead up to lethal management, altering recovery zones, and understanding predation pressure on ungulates. Understanding the carrying capacity of a landscape is a fundamental principal of wildlife management. Plans are just that: plans. They should be changed when new information is available. There is nothing new being asked of the WDFW. The issues they are being asked to reexamine have been part of the conversation for years and are consistent with recovery techniques being employed by the federal government and other western states. There are no mandates or forgone conclusions in the bill. It simply asks the WDFW to consider new information and use adaptive management to address changing conditions.

Many people consider themselves stakeholders in wolf recovery, but those that live with wolves are the ones with something truly at stake. Wolves affect daily life in northeast Washington and drive social tolerance, or intolerance, of wolf recovery. Those affected by wolves have asked for assistance from the Governor, the Fish and Wildlife Commission, and the WDFW. However, there have been no solutions within the existing wolf recovery framework.

(Opposed) It is worth recognizing that there is an effort to find common ground and assist with the building of social acceptance; however, this is the wrong time for the Legislature to get involved and circumvent the processes and timelines already in place. Legislative action would disrupt wolf recovery and drive a deeper wedge between the stakeholders.

There are many positive actions happening in regards to wolf recovery. This includes a new director at the WDFW, a newly expanded wolf advisory group, consultant work on the human dimension of wolf recovery, and new research coming in to help guide the WDFW's management. The existing plan for wolf recovery was developed by people with a wide range of backgrounds and interests, is based on peer-reviewed science, and resulted from an open and public process. It has been a successful plan to date and an accurate predictor of

wolf recovery. Basing recovery on breeding pairs and not wolf packs, as the plan does, is the accepted scientific way to measure recovery of the species.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill addresses an issue that can be pretty polarizing, and has caused its fair share of fights. This bill tries to get past that and look towards some solutions. As wolves have recovered in this state, they have done better in some areas than in others, and there are positives and negatives associated with that. Wolves are having a huge impact on livestock producers. It is time to look at what has and hasn't worked in the wolf management plan and apply some adaptive management to it. This bill specifies to the Department of Fish and Wildlife what needs to be looked at in the plan.

This bill is probably the best vehicle to support concerns from people in northeast Washington. There are costs from the bill because the plan is controversial, and amending it will require significant workload for the Department of Fish and Wildlife for both scientific review and public involvement.

(Opposed) None.

Persons Testifying (Agriculture & Natural Resources): (In support) Representative Kretz, prime sponsor; Dave Ware, Washington Department of Fish and Wildlife; Jim Potts, Pend Oreille, Stevens Ferry, and Okanogan Counties; Wes McCart, Stevens County Commissioner; Jack Field, Washington Cattlemens Association; and Tom Davis, Washington Farm Bureau.

(Opposed) Elizabeth Ruther, Defenders of Wildlife; and Diane Gallegos, Wolf Haven International.

Persons Testifying (Appropriations): Representative Kretz, prime sponsor; and David Ware, Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying (Agriculture & Natural Resources): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.